





Tolbert Chisum

Kenilworth, IL 60043

1 2006 OCT 26 P 12: 07

October 24, 2006

Lawrence H. Norton, Esq. General Counsel Federal Election Commission 999 E Street, NW Washington, D.C. 20463

MUR # 5865

Re:

Complaint against New Trier Democratic Organization,

Dan Seals, and Dan Seals for Congress

Dear Mr. Norton:

We respectfully file this complaint against the New Trier Democratic Organization ("New Trier"), a registered political committee, for mass-mailing a campaign flyer to residents in the Illinois Tenth Congressional District which did not carry a disclaimer as required by federal law, and appears to republish campaign materials and may have otherwise been coordinated with Democrat Dan Seals and his campaign.

I. Background

The flyer, mailed on or about October 16, urges readers to vote for Dan Seals and against Mark Kirk, his Republican opponent. One full side of the flyer bears a photo of Seals with the phrase, "But if you've HAD ENOUGH, vote for change . . . vote Democrat Dan Seals for Congress." It also includes bullet points describing Seals' stance on particular issues, and biographical information.

The flyer bears the return address of the New Trier Democratic Organization. Below that is the following statement:

"Dan Seals can help restore trust and accountability in Washington He shares the mainstream values of 10th Congressional District voters and will better represent the independent thinking of its constituents.

The New Trier Democratic Organization believes 10th Congressional District voters want to know the real differences between Mark Kirk and Dan Seals

We strongly believe that Dan Seals represents the vast majority of 10th Congressional District Democrats, Independents, and many Republicans With the world in crisis, the U S economy in trouble and the entire country moving in the wrong direction, it's time for a change!"

However, there is no disclaimer statement of any kind. Without a disclaimer, it is unclear who paid for the message, and whether it was coordinated. We ask the Commission to investigate this mailing and punish the New Trier Democratic Organization accordingly.

II. Legal Analysis

As the Commission knows, public communications such as mass mailings are required to carry a disclaimer notice stating who paid for the advertisement and whether it was authorized by a candidate. 2 U.S.C. § 441d; 11 CFR 110.11(b). This disclaimer must be clearly visible, and placed within a text box that separates it from other writing on the printed material. 11 CFR 110.11(c)(2)(i), (ii), and (iii).

The New Trier piece lacks the required disclaimer, and thus violates the Act and Commission regulations. Without this disclaimer, the reader does not know who paid for the message or, critically, whether its message was coordinated or otherwise authorized by Seals. Commission regulations state that coordination occurs with the republication of campaign materials (such as the republication of the photo of Seals) or when there has been substantial discussion with the campaign (which can only be determined through a Commission investigation). 2 U.S.C. § 441a(a) and (d); 11 CFR 109.21. Given that coordination appears to have occurred, it would constitute an unreported in-kind contribution and, given the apparent size of the mailing and related costs, an impermissible excessive contribution.

III. Conclusion

It is disturbing that the New Trier Democratic Organization, a registered political committee, has failed to follow a rule as basic as disclosure requirements. Worse, it appears as though impermissible coordination has occurred, which results in an impermissible in-kind contribution to Dan Seals, and related reporting violations. We ask the Commission to (1) investigate the circumstances by which this mailing was developed and paid for, (2) punish the New Trier Democratic Organization and Dan Seals for Congress for this violation of federal law, and (3) require them to include proper disclaimers on all public communications in the future.

Respectfully,

Tolbert Chisum

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Sworn before me this **2 44** day of October, 2006.

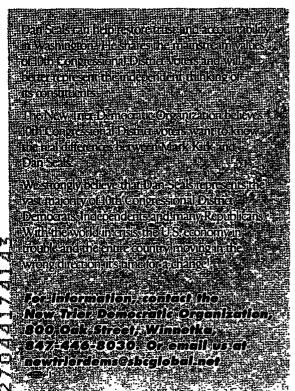
NOTARY PUBLIC COOK COUNTY

LINDA LAFIANZA
OFFICIAL
MY COMMISSION EXPIRES
AUGUST 15, 2009

New Trier Democratic Organization 800 Oak Street Winnetka, IL 60093



PRSRT STD U S Postage PAID Permit No 382 Gurnee, IL



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If you support the Bush Administration and their:

IRAN, NORTH KOREA AND MIDDLE EAST POLICY FAILURES ASSAULT ON CIVIL LIBERTIES GLOBAL WARMING ENVIRONMENTAL DESTRUCTION ENORMOUS TAX CUTS FOR THE SUPER WEALTHY STAGGERING BUDGET DEFICITS HEALTHCARE AND PRESCRIPTION DRUG WORRIES



Then vote for Mark Kirk for U.S. Congress.

- Kirk votes 85% with Bush-Cheney-DeLay.
- He's assistant majority whip of the U. S. House, working with the most conservative congressional leadership in decades to make sure their right-wing agenda becomes law.
- He's part of the problem facing America, not the solution.

But if you've HAIDENOUGH, vote for change...

vote Democrat Dan Seals for Congress.



Dan Seals represents mainstream
10th Congressional District beliefs.
He will hold the Bush Administration
accountable for policies that
jeopardize our nation and
our families.

Dan Seals supports:

The responsible withdrawal of U.S. troops from Iraq

An end to the Bush Administration's assault on our civil liberties

Reducing U.S. dependence on foreign oil and ending big tax breaks for huge oil companies

Strengthening laws that protect our air and water, especially Lake Michigan

Universal access to affordable health care and prescription drugs

A woman's right to choose

A strong commitment to the security of Israel

Dan grew up in Chicago and taught high school English in Japan before earning a Master's Degree in Public Policy at the John's Hopkins School of Advanced International Studies.

A Presidential Management Fellow during the Clinton Administration, he worked to increase overseas markets for U.S. goods and helped plan economic development and policy.

Dan Seals earned his MBA from the University of Chicago, and was a director at GE Commercial Finance.

He lives in Wilmette with his wife, Mia, and their three young daughters.

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FEC FORM ⁻

STATEMENT OF ORGANIZATION

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	FEC Fe	nn 1 (Revised 02/2003)	Page 2
j.	TYPE OF C	OMMITTEE (Check One)	
	(a) X	This committee is a principal campaign committee. (Complete the candidate information below	ı)
	(b)	This committee is an authorized committee, and is NOT a principal campaign committee. (Coninformation below)	mplete the candidate
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	(e) ¹	This committee is a separate segregated fund.	
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FEC FORM 1

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